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10/525,471	02/23/2005	Philippe Gentric	FR 020090	3281
65913 NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131	7550 06/18/2009		<div>EXAMINER</div> <div>PATEL, ASHOKKUMAR B</div>	
			<div>ART UNIT</div> <div>2449</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Continuation Sheet:

Applicant's arguments:

"In this context, AAPA clearly teaches away from aspects of the claimed invention as directed to "configuring the client so that the client can decode all the streams within the set of streams," since AAPA only transmits the subset of streams to be decoded with a particular decoder based upon those streams. The AAPA further teaches away from claim limitations directed to "muting all the streams within the set of streams, except the subset of streams" because only the stream to be used is transmitted. The AAPA similarly teaches away from limitations directed to transmitting a "set of streams including at least one stream that is not part of the subset of streams" because only the subset is transmitted.

For instance, modifying AAPA to configure its client to decode all streams would remove any need to deliver a new decoder to a client decoder or to otherwise optimize the communication of a subset of streams based upon available bandwidth.

As these and the aforesaid changes are contrary to (and further undermining the purpose of) AAPA, there is no motivation to modify AAPA as asserted.

Applicant further submits that the § 103 rejection is improper because the cited combination of references fails to teach or suggest all claim limitations. As indicated at pages 3-4 of the Office Action, AAPA fails to disclose multiple limitations including those directed to configuring a client to decode all streams, muting all streams except a subset of streams, and decoding the subset of streams. The Office Action's attempt to add the '794 and Narasimahan references stops short of providing teaching or suggestion of all limitations as required under § 103. As indicated in the Office Action, the '794 reference also fails to disclose muting all streams except a subset of streams, and decoding the subset of streams. This is consistent with the purpose of the '794 reference, in which the cited communication of "bit-rate streams at multiple bit-rates" involves communicating streams at different bit rates (i.e., multiple bit-rates). However, the Office Action has not cited portions of the '794 reference that correspond to decoding all of the bit-rate streams, including the secondary streams as cited. Adding the Narasimahan reference does not appear to cure this deficiency."

Examiner's response:

Examiner has simply cited the teachings of AAPA wherein the server has what claim recites; please see the Final Office action page 3. The citation includes the server's capabilities of having "streaming multimedia data from a server to a client over a network having a variable bandwidth, the multimedia data represented by a set of

streams having various predetermined bit rates, with a subset of streams of the set of streams having bit rates compatible with a measured bandwidth of the network, the set of streams including at least one stream that is not part of the subset of streams" and that is all.

Arye's teachings are clearly pointed out in the Final office action with the following intent.

What Arye does is, through it's innovative elements, provides "Content Switch and Bans Width Scaler" which removes the burden from the server doing "Stream Switching" This addresses as well as provides a solution to the problem that AAPA brings up on page 2, "Thus, when a server switches from one subset of streams to another one, e.g. in order to adapt the bit rate of the delivered subset of streams to the available bandwidth of the network, a new decoder configuration corresponding to the new delivered subset of streams has to be sent to the client decoder. The decoder is then reinitialised with the new decoder configuration. The stream switching is therefore not seamless for the client and may impact the service quality from the end user's point of view."

Further, Narasimhan teaches "muting all the streams within the set of streams, except the subset of streams, and decoding the subset of streams by the client", which is not specifically taught by AAPA and Arye, at page 5 of 8, "The client may use the option tag "mute" in the Require header on a SETUP request. This may be useful if the client intends to use MUTE to switch between one or more streams with different representations of the same data."

And what Narasimhan teaches is "The client may use the option tag "mute" allowing the client use MUTE to switch between one or more streams with different representations of the same data. **This allows the complete removal of Switching of subset of stream on AAPA's Server side as well as Arve's client side.**